

Topic: Status of North Dakota's UIC Class VI Primacy Application

Key Points:

- A formal Underground Injection Control (UIC) Class VI (CO₂ geo-sequestration) primacy application from North Dakota was received on June 21, 2013 by EPA Office of Water. Under the UIC Class VI rules, all primacy applications are submitted directly to Headquarters (OW/OGWDW).
- A Federal Register notice signed by the Region 8 Regional Administrator will be published in the next few weeks stating receipt of this primacy application package. The notice acknowledges receipt of the application and provides an opportunity for public comment and the ability to request a public hearing.
- Following the public comment period, Region 8 will work with OGWDW to prepare a rulemaking package proposing approval of North Dakota's UIC Class VI program. The Office of Water will coordinate the Headquarters' review of this package. This package will be sent to the EPA Administrator for signature as required by the Safe Drinking Water Act.
- EPA does not anticipate receiving adverse comments and will endeavor to make a final decision on this primacy application by the end of this calendar year. If approved, North Dakota will become the first state in the nation to obtain UIC Class VI primacy.
- North Dakota is working with other states and the Ground Water Protection Council to develop the prototype database for handling UIC Class VI permit applications and data reporting for primacy states.
- C12 Energy (a geo-sequestration firm) has met with the State, EPA Region 8 and HQ to discuss a new CO₂ project in North Dakota. C12 expects to submit a permit application once North Dakota obtains primacy.
 - Regional staff plan to work closely with the State and the applicant to ensure a smooth transition in the permitting process.

Background:

- EPA Region 8 UIC staff has been working with North Dakota Industrial Commission (NDIC) staff on a draft application for primacy for the UIC Class VI program for several months. This includes a regulatory crosswalk to ensure the State's Class VI requirements are as stringent as EPA's. All the major regulatory issues have been addressed.
- NDIC is the lead state agency in ND that will manage the UIC Class VI program. They also currently run the UIC Class II program. In April of 2010, North Dakota's legislature passed their own CO₂ geo-sequestration laws with knowledge of the EPA's pending rules. The State's rules were revised on April 1, 2013.

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